Entered - 10/29/09 - sbCL - 09L0847 - ANGELENA KELLY

CLAIM OF: Evelyn Irving 3574 Falls Trail Winston, GA 30187

For damages alleged to have been sustained as a result of a driving over a pothole on April 26, 2009 at 2800 Fairburn Road.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to Evelyn Irving the sum of \$543.44 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a driving over a pothole on April 26, 2009 at 2800 Fairburn Road as is more particularly set forth in the within claim; said sum taken from and charged to account 1001.200101.5212005.1512000

APPROVED: ROGER BHANDARI ACTING CITY ATTORNEY

BY:

JERRY L. DELOACH DEPUTY CITY ATTORNEY

# **FAVORABLE REPORT**

PUBLIC SAFTEY &

LEGAL ADMINISTRATION COMMITTEE

#### MUNICIPAL CLERK ATLANTA, GEORGIA

10-R-0084

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to Evelyn Irving the sum of \$543.44 as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been driving over a pothole on April 26, 2009 at 2800 Fairburn Road as is more particularly set forth in the within claim; said sum taken from and charged to Account 1001/200101/521200/1512000.

ADOPTED by the Atlanta City Council APPROVED by Mayor Kasim Reed

JAN 19, 2010 JAN 25, 2010

Deputy Clerk

## **DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. <u>09L0847</u> Date: <u>November 30, 2009</u>
Claimant /Victim: Evelyn Irving
BY:(Atty)(Ins. Co.)
Address: 3574 Falls Trail, Winston, GA 30187
Subrogation: Claim for Property damage \$ _543.44 Bodily Injury \$
Date of Notice: 10/27/09 Method: Written proper Y Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence: 4/28/09 Place: 2800 Fairburn Road
Department: Public Works Bureau: Office: Transportation
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  Date of Occurrence: 4/28/09 Place: 2800 Fairburn Road  Department: Public Works Bureau: Office: Transportation  Employee involved: Disciplinary Action:
NATURE OF CLAIM: The claimant alleges she sustained damage to her vehicle when she drove over a pothole at
the above location. The investigation determined that although the City had no actual notice of any problems, the
condition of the manhole indicates the condition had existed for a length of time that notice of same is implied.
INVESTIGATION:
INVESTIGATION.
Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver
BASIS OF RECOMMENDATION:
Function: Governmental X Ministerial Damages reasonable X Damages reasonable X
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces Claimant Negligent View Claim Abandoned Claim Abandoned
Claimant Negligent City Negligent X Joint Claim Abandoned
D
Respectfully submitted,
INVESTIGATOR - ANGELENA RELLY
NO ESTIPMON ANOGERALIGEZI
RECOMMENDATION:
Pay \$ Adverse // Account charged: General Fund X Water & Sewer Aviation
Claims Marager: Concur/date /2/15709
Committee Action:Council Action

CITY OF ATLANTA LAW DEPARTMENT OCT 27 REC'D

RE: CLAIM FOR DAMAGES, 0/28/0

COUNCIL OF THE CITY OF ATLANTA MUNICIPAL CLERK

City Hall 55 Trinity Avenue, SW Atlanta, Georgia 30303 RECEIVED ENTERED = 10-29-09 = SR

atiania,	Coorgia 30303			OUT USY2	- 10-23-03 - A PRIIV	- 3B ( )		
Dear M	unicipal Clerk:			U9LU647	- A. KELLY + COST			
This is t and/or \$	to notify the City of	of Atlanta that I h odily injury for w	ave suffered dan	nages in the amou e City is liable.	nt of \$	property		
1.	Date of incident:	4-28-09	_ 2. Time of inc	ident: <u>[6:30 Pa</u>	13. Police called:	No		
✓ <sub>4.</sub>	Location of incid	lent (including str	eet address):	FAIRBURN	RD. Boul	OCE		
5.								
6.	State what and h	ow incident occur	rred: <u>SEE</u>	ATTACH	EIS			
						· · · · · · · · · · · · · · · · · · ·		
7.	ALL ESTIMATI FALSE CLAIMS CRIMINAL PRO	WILL RESULT	GES ARE SUBJ F IN YOUR CL.	ECT TO INSPEC AIM BEING DEN	CTION. THE M. RED AND MAY	AKING OF RESULT IN		
8.	The registered attach two (2) es	owner must mal	ke the claim for and proof of owr	r vehicle damage ership of your veh	s, complete the fa	ollowing and		
	Your vehicle: 10	793 CADILL	ac Sevill	E E.	E. TRVING			
	City vehicle:	(Make) (Year)	(Tag Number)	(Driver's Na Driver's Name)	me)			
9.	Witness:	(Make)	(City f	Oriver's Name)	(Department/Bure	rau)		
10.	The acknowledg	ement of this elect by State law, a	aim in no way	waives the Sover ssion of liability o				
11.	Claims <u>must</u> be	received within	6 months from	the date of the ev	ent.			
	ABOVE INFOR	AR OR AFFIRM MATION IS TRU	I THAT THE JE AND	EVELYA	IRV, int Claimant's Nai I-ALLS	ne)		
	CORRECT.			3574	Moddress)	TRL.		
4	Signature of Cai	mant /	( )	WINST	ON GA	30181		

(Work Number)

(Home Number)

NSTON GA 30187
(City, State and Zip Code)

OCT 2.7 REC'D 0

10-26-09

TO: Chaims DEPARTMENT FR: EVELYN IRVING-110-489-3465 10-R-0084 RE: FAIRBURN ROAD BRIDGE

ON THE NIGHT OF 4-28-09, MY VEHICLE WAS
DAMAGED ON THE FAIRBURN RD BRIDGE,
THERE WAS NO COVER OVER THE HOLE NOR
ANY ORANGE CONES TO KEEP YOU FROM AVOIDING
THE HOLE SO, YOU COULD NOT SEE THE HOLE
UNTIL IT WAS TOO HATE. A NEIGHBOR SAID HE
TOOK IT WYON HIMSELF TOO PLACE A CONE THEIR
ALTERHE TIRED OF SEEING AND HEARING
CARS HITING THE HOLE. A FEW DAYS LATER
I RETURNED TO TAKE PICTURES BUT OF COURSE
IT HAD BEEN COVERED THEN, SEE ATTACHED

AS A RESULT OF THIS HOLE MY CAR'S TIRE AND RIM WAS DAMAGED AND THE LEFT FRONT AXLE. HAID TO BE REPLACED. ATTACHED PLEASE FINID RECEIPTS FOR REPAIR AND NAMES AND PHONE NUMBERS OF TWO PEOPLE WHO LIVE IN FRONT OF THIS HOLE ON FAIRBURN ROAD. IT CAN NOT LOCATE THE RECEIPT FOR THE RIM BUT IT WAS SO.OO TO REPLACE. PLEASE REIMBURSE FOR THE REPAIRS AS THIS SHOULD NOT HAVE HAPPENED BECAME

# THIS HOLE SHOULD HAVE BEEN REPAIRED BEFORE IT GOT TO THAT EXTENT.

IF I CAN BE OF FURTHER ASSISTANCE, PLEASE CALL ME AT 770-489-3465 OR MY ADDRESS IS: 3574 FALLS TRAIL, WINSTON, GA 301817.

Mark Jorag

NAMES OF NEIGHBORS: MR. CHARLES BEASLEY 404-344-9674

MR. DENNIS 404-651-8060

ATTACHMENTS: (2) PICTURES(8)

RCS# 17 1/19/10 1:54 PM

# Atlanta City Council

## REGULAR SESSION

CONSENT I

10-R-0145

ADOPT EXCEPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Y	Smith Hall Young Winslow	Y Y	Archibong Wan Shook Adrean	Y Y	Moore Martin Bottoms Sheperd	Y Y	Bond Watson Willis Mitchell
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